

No. 25-1017

IN THE
Supreme Court of the United States

REPUBLICAN NATIONAL COMMITTEE,
Petitioner,
v.
MI FAMILIA VOTA, ET AL.,
Respondents.

**On Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit**

**BRIEF FOR THE U.S. HOUSE OF
REPRESENTATIVES AS *AMICUS CURIAE*
IN SUPPORT OF PETITIONER**

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INTEREST OF *AMICUS CURIAE*¹

The U.S. House of Representatives (House)² has a substantial institutional interest in ensuring that: (1) the National Voter Registration Act of 1993 (NVRA) is interpreted in a manner consistent with the intent of Congress; and (2) noncitizens do not vote in federal elections.

The Constitution's Elections Clause grants States like Arizona the authority to prescribe the "Times, Places and Manner of holding Elections for Senators and Representatives." U.S. Const. art. 1, § 4, cl. 1. Congress, in turn, may "at any time by Law make or alter such regulations." *Id.* In 1993, Congress did just that, enacting the NVRA not only "to establish procedures that will increase the number of eligible *citizens* who register to vote in elections for Federal office," but also "to protect the integrity of the electoral process" and "to ensure that *accurate* and current

¹ Consistent with Supreme Court Rule 37.6, the House states that no counsel for a party authored this brief in whole or in part and that no person or entity other than the House or its counsel made a monetary contribution intended to fund the preparation or submission of this brief.

² The House's Bipartisan Legal Advisory Group (BLAG) has authorized the filing of this *amicus* brief. BLAG comprises the Honorable Mike Johnson, Speaker of the House, the Honorable Steve Scalise, Majority Leader, the Honorable Tom Emmer, Majority Whip, the Honorable Hakeem Jeffries, Minority Leader, and the Honorable Katherine Clark, Minority Whip, and it "speaks for, and articulates the institutional position of, the House in all litigation matters." Rule II.8(b), Rules of the U.S. House of Representatives, 119th Cong. (2025), <https://perma.cc/QD7D-WRAX>. The Speaker of the House, the Majority Leader, and the Majority Whip voted to support the filing of this brief; the Minority Leader and Minority Whip did not.

voter registration rolls are maintained.” *See* 52 U.S.C. § 20501(b)(1), (3)-(4) (emphasis added).

But if this Court were to affirm the Ninth Circuit’s interpretation of the statute, the NVRA would prevent States from taking reasonable steps to stop noncitizens from registering to vote and remaining on the voter rolls for future elections. First, States would be precluded from requiring documentary proof of citizenship (DPOC) when applicants register to vote using a state-created registration form for state and federal elections. Second, States would be forbidden from implementing any program to remove noncitizens from their federal voter rolls within 90 days of an election. But Congress, in the NVRA, did not exercise its own constitutional authority to restrict States’ constitutional authority to implement such measures.

Noncitizens are ineligible to vote and should not be registered to vote. Those who serve in the House, U.S. Senate, and state legislatures across the country should only be chosen by American citizens. Speaker of the House Mike Johnson has stated that requiring proof of citizenship is essential to “[e]nsuring the integrity of elections,” and thus “to maintaining our constitutional republic.” *See* Press Release, U.S. Congressman Mike Johnson, Speaker Johnson: The SAVE America Act is Not Controversial to Anyone Except Washington Democrats (Feb. 11, 2026), <https://perma.cc/K3JT-W7ZT>. Given the large number of noncitizens present in our country, only a small percentage of them voting could conceivably tip the balance in a close election. *See* Press Release, U.S. Congressman Mike Johnson, Speaker Johnson: Americans Should Decide American Elections (May 8, 2024), <https://perma.cc/SF39-4FU8>. Moreover, the mere presence of noncitizens on the voter rolls

undermines the American people’s confidence in our electoral system. *See, e.g., The Biden-Harris Border Crisis: Noncitizen Voting: Hearing Before the Subcomm. on the Const. & Ltd. Gov’t of the H. Comm. on the Judiciary*, 118th Cong. 16-22 (2024) (prepared statement of Rosemary Jenks, Cofounder and Policy Director, Immigration Accountability Project).

The Ninth Circuit’s decision risks enabling more noncitizens to register to vote, stay on the voter rolls, and ultimately vote. The House thus files this brief to explain how, if the judgment below is affirmed, this Court would transmogrify the NVRA into a law unrecognizable to its drafters, inconsistent with its text, and directly contrary to its animating purpose.

SUMMARY OF THE ARGUMENT

United States citizenship is an undisputed prerequisite to voting in Arizona and indeed in *every* State in the Union. Despite this, the Ninth Circuit panel below concluded that requiring DPOC is not “necessary” for Arizona to assess the eligibility of applicants, given the NVRA’s mandate that applicants attest to their citizenship. But as this Court has already recognized, States retain the flexibility to design their own registration forms imposing requirements beyond the baseline set forth in the NVRA and the federal registration form, mentioning DPOC as an example. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 12 (2013). The panel’s contrary ruling cannot be squared with that instruction.

In the NVRA, Congress permitted States to develop their own registration forms requiring information “necessary” to assess applicants’ eligibility to vote. *See* 52 U.S.C. § 20508(b)(1). As the statutory context and history reveals, Congress intended “necessary” to

mean useful, appropriate, or conducive rather than the bare minimum required. DPOC satisfies that standard: Because noncitizens are categorically ineligible to vote, documentation of citizenship is a straightforward and effective means of evaluating compliance with an essential eligibility criterion, and the existence of a separate attestation requirement does not render documentary verification any less suitable for making that assessment. The panel’s interpretation of the statute also distorts the NVRA’s structure, effectively collapsing Section 20508(b)(1)’s “necessary” requirement into the attestation provisions of Section 20508(b)(2) and rendering superfluous Congress’s statement that States may require additional information on their own state-specific forms.

Nor does the NVRA’s requirement that state registration forms distributed by state agencies be “equivalent” to the federal form, 52 U.S.C. § 20506(a)(6)(A)(ii), compel that those two forms be nearly identical. Both the term’s ordinary meaning and statutory context confirm that “equivalent” means the same in effect and function, not a mirror-image—particularly where Congress elsewhere used “identical” in the NVRA to mean the exact same. Contrary to the panel’s determination, Arizona’s state form is “equivalent” to the federal form because it performs the same core function: facilitating registration of eligible voters while ensuring that ineligible applicants are not registered. Requiring DPOC advances the same objective as citizenship attestation and does not render Arizona’s form inequivalent under the NVRA.

Separately, the NVRA’s 90-day provision, 52 U.S.C. § 20507(c)(2), does not preempt States from systematically removing noncitizen registrations from the voter rolls within 90 days of a federal election. While the

NVRA, with exceptions, does bar systematic removal of “ineligible voters” from the rolls during that window, the statute’s structure, history, and plain meaning reveal that its protections apply to eligible applicants who were initially properly registered and later became ineligible, rather than individuals like noncitizens who were never eligible to register (or vote) in the first place. Respondents’ efforts to extend the statute’s protections to noncitizens would create untenable and absurd results, insulating unlawfully registered individuals, such as noncitizens and children, from ever being taken off the voter rolls. This would directly undermine the NVRA’s stated purposes of “establishing procedures that will increase the number of *eligible citizens*” who are registered to vote and ensuring that “*accurate* and current voter registration rolls are maintained,” 52 U.S.C. § 20501(b)(1), (4) (emphasis added), and is not compelled by the text of the statute.

Because the NVRA neither preempts Arizona’s use of DPOC on its state voter-registration form to confirm eligibility at the point of registration, nor bars states from systematically canceling noncitizen registrations within 90 days of a federal election, the Ninth Circuit’s judgment should be reversed.

ARGUMENT

The Ninth Circuit panel misinterpreted the NVRA in concluding that the statute preempts Arizona from (1) requiring DPOC on its state registration form, and (2) systematically removing noncitizens from the voter rolls within 90 days of a federal election.

I. The NVRA does not preempt States like Arizona from requiring documentary proof of citizenship on their state registration forms

This Court has recognized that States like Arizona “retain the flexibility to design and use their own registration forms,” even if the requirements of those forms exceed the “backstop” of the federal form. *Inter Tribal Council*, 570 U.S. at 12. Accordingly, “state-developed forms may require information the Federal Form does not.” *Id.*

Indeed, this Court has specifically identified an *Arizona* DPOC requirement on its state registration form³ as a paradigmatic illustration of the kind of requirement that States may lawfully impose beyond the federal form’s requirement, thus answering the very question presented here. *Id.* (“For example, unlike the Federal Form, Arizona’s registration form includes Proposition 200’s proof-of-citizenship requirement.”). The Ninth Circuit panel’s contrary ruling directly conflicts with this instruction.

Because U.S. citizenship is indisputably a valid eligibility requirement for voting in Arizona state and federal elections, *see* 18 U.S.C. § 611 (barring noncitizens from voting); Ariz. Const. art. 7 § 2 (same),

³ Specifically, at the time *Inter Tribal Council* was decided, Arizona allowed for demonstrating proof of citizenship by the following methods: “(1) a photocopy of the applicant’s passport or birth certificate, (2) a driver’s license number, if the license states that the issuing authority verified the holder’s U.S. citizenship, (3) evidence of naturalization, (4) tribal identification, or (5) ‘[o]ther documents or methods of proof ... established pursuant to the Immigration Reform and Control Act of 1986.’” *Id.* at 6. (alteration in original) (quoting Ariz. Rev. Stat. Ann. § 16–166(F) (West Supp. 2012)).

the NVRA does not preempt Arizona's DPOC requirement on its state registration form.

A. Arizona's proof-of-citizenship requirement is "necessary" to assess the eligibility of individuals submitting voter registration applications

Federal law and the law of each State require U.S. citizenship as a qualification for voting in federal and state elections. *See* 18 U.S.C. §§ 611, 1015(f); *Voter Registration Rules*, Vote.org, <https://perma.cc/N4ZZ-9QDV> (last visited Aug. 26, 2026). But because a State's "power to establish voting requirements is of little value without the power to enforce those requirements," *Inter Tribal Council*, 570 U.S. at 17, States have the authority to require proof of citizenship before allowing individuals to vote. Moreover, the NVRA permits States like Arizona to require identifying information on state forms at the time of registration where such documentation is "necessary to enable" election officials "to assess the eligibility of the applicant." 52 U.S.C. § 20508(b)(1). DPOC fits comfortably within this authorization.

Given that noncitizen applicants are ineligible *per se* to vote, 18 U.S.C. § 611, determining whether applicants are in fact citizens is necessary to assess their eligibility to vote. Arizona has done this by requiring DPOC on its state registration forms, determining (correctly) that DPOC is "necessary" under 52 U.S.C. § 20508(b)(1). While the NVRA itself does not define the word "necessary," the term is most naturally read in Section 20508(b)(1) given the surrounding statutory context, *see infra* at 12-14, to mean useful, conducive, appropriate, or suitable for assessing applicants' eligibility to vote, rather than essential. *Cf. Ayestas v. Davis*, 584 U.S. 28, 44 (2018)

(noting the term “necessary” “may import that which is only convenient, useful, appropriate, suitable, proper, or conducive to the end sought” (quoting Black’s Law Dictionary 928 (5th ed. 1979)). Because DPOC is indisputably a “useful” tool “conducive” to ascertaining citizenship and thus eligibility to vote, Arizona’s requirement that registrants provide documentation to prove their citizenship is “necessary” under Section 20508(b)(1). The NVRA’s requirement that individuals separately attest to their eligibility to vote when registering does not change the usefulness or suitability of DPOC for its intended purpose. *Contra* Pet. App. 50a (holding that DPOC is not “necessary” because “the state form’s checkbox requirement supplies proof of citizenship by an attestation”).

Indeed, the conduciveness of DPOC as a tool for verifying applicants’ eligibility is evident from numerous other contexts where the federal government requires it. For instance, new Medicaid applicants who declare that they are citizens must also provide DPOC. 42 U.S.C. § 1396b(x)(1); *see also id.* § 1396b(x)(3)(B) (listing the forms of satisfactory citizenship documents, including a U.S. Passport, certificate of naturalization, or certificate of citizenship). Although prior to 2006 new Medicaid applicants were only required to make an attestation declaring their citizenship, *see* Ruth Ellen Wasem, Cong. Rsch. Serv., RS22629, Medicaid Citizenship Documentation 2-3 (2009), Congress amended the Social Security Act to require DPOC for the purpose of “reduc[ing] the number of individuals receiving Medicaid benefits who are not lawfully in the United States.” H. Rep. No. 109-276, at 553 (2005).

Likewise, to obtain a U.S. passport, an applicant must provide “personal documents” including “original

proof of citizenship.” *Apply for a New Adult Passport*, USAGov, <https://perma.cc/FG5W-K2AJ> (last updated Mar. 23, 2026). The State Department’s list of acceptable citizenship evidence includes a U.S. birth certificate or an existing U.S. passport, but an attestation of citizenship does not suffice. *Citizenship Evidence*, U.S. Dep’t of State, <https://travel.state.gov/en/passports/apply/help/citizenship-evidence.html> (last updated July 31, 2026). Similarly, to qualify for a REAL ID, applicants “[a]t a minimum” must “provide documentation showing ... [l]awful [s]tatus.” *REAL ID Frequently Asked Questions*, TSA, <https://perma.cc/KU39-JBNY> (last visited Aug. 10, 2026).

The same principle applies to voter registration: Just as requiring DPOC from Medicaid applicants, rather than merely sworn attestations, is conducive to reducing the number of individuals unlawfully receiving Medicaid benefits, so too is Arizona’s DPOC requirement useful and appropriate for reducing the number of noncitizens registering to vote. Moreover, as was the case with Medicaid fraud, false or inaccurate attestations of citizenship are not a theoretical concern; in recent years, there have been many instances where noncitizens have been caught unlawfully registering to vote in the United States.⁴

⁴ See, e.g., Press Release, Mich. Dep’t of Att’y Gen., AG Nessel Announces Charges Against 5 Non-Citizens for Voting in 2024 Elections in Michigan (Aug. 13, 2026), <https://perma.cc/7MZE-8N8T>; Hudson Steiner, *Canadian man gets prison time for voting in 9 U.S. Elections without citizenship*, WECT News (June 1, 2026), <https://perma.cc/9LKJ-5TWL>; Press Release, U.S. Att’y’s Off. N. Dist. of Ala., Non-Citizen Pleads Guilty to Fraudulently Voting in Numerous Elections (May 29, 2026), <https://perma.cc/79LT-SE86>; Press Release, U.S. Att’y’s Off. Cent. Dist. Cal., Honduran National Living in San Fernando Valley Arrested on Federal Criminal Complaint Charging Him with Fraudulently

Requiring DPOC at the point of registration is a straightforward tool to combat such attempts to register and vote unlawfully.

To be sure, as the Ninth Circuit noted, the word “necessary” in isolation can have stricter meanings. *See* Pet. App. 50a (declaring that “[t]he ordinary meaning of ‘necessary’ is ‘essential’” (citations omitted)). This Court itself has long recognized that “[t]he word ‘necessary’ ... has not a fixed character, peculiar to itself. It admits of all degrees of comparison; and is often connected with other words, which increase or diminish the impression the mind receives of the urgency it imports.” *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 414 (1819). “A thing may be necessary, very necessary, absolutely or indispensably necessary.

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To no mind would the same idea be conveyed by these several phrases.” *Id.*

“In the strictest sense of the term, something is ‘necessary’ only if it is essential.” *Ayestas*, 584 U.S. at 44. But “the word ‘necessary’ does not always mean absolutely required or indispensable.” *Cellular Telecomms. & Internet Ass’n v. FCC*, 330 F.3d 502, 509-10 (D.C. Cir. 2003). Rather, “in ordinary speech, the term is often used more loosely to refer to something that is merely important or strongly desired. ... The term is sometimes used in a similar way in the law.” *Ayestas*, 584 U.S. at 44; *see also Cellular Telecomms. & Internet Ass’n*, 330 F.3d at 509 (In “legal contexts,” “necessary and proper” is defined to mean “[b]eing appropriate and well adapted to fulfilling an objective.” (alteration in original) (citation omitted)).

Accordingly, this Court has frequently construed “necessary” to mean something less than the absolute minimum required. *See e.g., Ayestas*, 584 U.S. at 44 (finding the term “necessary” in a statute to entail something “less than essential”); *Jinks v. Richland County*, 538 U.S. 456, 462 (2003) (“[W]e long ago rejected the view that the Necessary and Proper Clause demands that an Act of Congress be *absolutely* necessary to the exercise of an enumerated power.” (internal quotation marks omitted)); *10 E. 40th St. Bldg. v. Callus*, 325 U.S. 578, 582-83 (1945) (noting that “[m]erely because an occupation involves a function not indispensable to the production of goods, in the sense that it can be done without, does not exclude it” from being an “‘occupation necessary to the production’ of goods” under the Fair Labor Standards Act”).⁵

⁵ Federal courts of appeal have frequently taken a similar approach when interpreting the term. *See, e.g., Nat. Res. Def.*

Rather than acknowledging that the word is capable of multiple alternative yet plausible meanings, the Ninth Circuit flatly declared that “[t]he ordinary meaning of ‘necessary’ is ‘essential,’” and that “the inquiry ends here because the text of the NVRA is unambiguous.” Pet. App. 50a. In making this critical determination in cursory fashion, the panel erroneously decided the ambiguous term’s meaning in isolation, contravening well-established principles of statutory interpretation. *See Deal v. United States*, 508 U.S. 129, 132 (1993) (noting it is a “fundamental principle of statutory construction (and, indeed, of language itself) that the meaning of a word cannot be determined in isolation, but must be drawn from the context in which it is used”); *Robinson v. Shell Oil Co.*, 519 U.S. 337, 341 (1997) (“The plainness or ambiguity of statutory language is determined by reference to the language itself, the specific context in which that language is used, and the broader context of the statute as a whole.”). And because “dueling over dictionary definitions ... fails to produce any plain meaning of [a] disputed word,” *Cellular Telecomms. & Internet Ass’n*, 330 F.3d at 509, it is “crucial to understand the context in which the word is used in order to comprehend its meaning,” *id.* at 510.

In contrast with the panel’s approach below, this Court should consult long-standing interpretive tools

Council v. Thomas, 838 F.2d 1224, 1236 (D.C. Cir. 1988) (“[C]ourts have frequently interpreted the word ‘necessary’ to mean less than absolutely essential, and have explicitly found that a measure may be ‘necessary’ even though acceptable alternatives have not been exhausted.” (citations omitted)); *FTC v. Rockefeller*, 591 F.2d 182, 188 (2d Cir. 1979) (finding that a subpoena could be “necessary” to an FTC investigation even though the agency had not pursued “reasonably available alternatives”).

like statutory context and history to ascertain the term’s intended meaning. Here, the surrounding context of the NVRA, including its varying use of the word “necessary,” as well as its legislative purpose, collectively demonstrate that Congress did not limit States to requiring only “essential” information in state voter registration forms.

Beginning with context, the words immediately surrounding “necessary” in Section 20508(b) contain nothing that would limit its meaning to the bare minimum required (e.g., “absolutely” or “completely”). *Cf. McCulloch*, 17 U.S. (4 Wheat.) at 414-15. Nor is there a neighboring word (e.g., “reasonably”) that would indicate a broader sense of what “necessary” entails. *Cf. Ayestas*, 584 U.S. at 44-45. The immediate surrounding context is thus inconclusive.

However, zooming out, the NVRA’s varying use of the word “necessary” in another provision helps reveal its intended meaning in Section 20508(b)(1). Specifically, Section 20504(c)(2)(B) specifies that a motor vehicle-related voter registration form for federal elections can only require “the *minimum amount of information* necessary” to assess the applicant’s eligibility. 52 U.S.C. § 20504(c)(2)(B) (emphasis added). Juxtaposed against the use of “necessary” in Section 20508(b)(1), which merely requires that forms require identifying information and other information “as is necessary” to assess eligibility, the material variation is apparent. Under the presumption of consistent usage and canon of meaningful variation, “[i]n a given statute, the same term usually has the same meaning and different terms usually have different meanings.” *Pulsifer v. United States*, 601 U.S. 124, 149 (2024). Relatedly, “[w]hen Congress includes particular language in one section of a statute but omits it from a neighbor, [the

Court] normally understand[s] that difference in language to convey a difference in meaning.” *Enbridge Energy, LP v. Nessel ex rel. Michigan*, 608 U.S. 67, 79 (2026) (first alteration in original) (citation omitted). Here, the differences between Sections 20504(c)(2)(B) and 20508(b)(1) illustrate that when Congress in the NVRA intended “necessary” to mean that which is minimally required, it did so clearly by adding qualifying language. Conversely then, the omission of similar qualifying language attached to the term “necessary” in Section 20508(b)(1) is a clear indicator that Congress intentionally used “necessary” in a looser sense there.

Application of these interpretive canons undermines Respondents’ contention that the NVRA’s use of the word “necessary” in Section 20508(b)(1) precludes state officials from asking for *any* information beyond the minimum required by the statute. While Respondents attempt to downplay the statutory variation by arguing that Section 20504(c)(2)(B) simply indicates a “consistently restrictive” attitude in the NVRA, *Mi Familia Vota Br. in Opp’n to Pet.* at 29, this argument runs headlong into basic principles of statutory construction. *See supra* at 12-14. Similarly, Respondents’ attempt to rely on *Fish v. Kobach*, 840 F.3d 710 (10th Cir. 2016), which concerned the “minimum” documentation requirements of Section 20504(c)(2)(B), to bolster their argument is entirely off the mark. *See Mi Familia Vota Br. in Opp’n to Pet.* at 21. For the reasons described above, attempting to impose the requirements of Section 20504(c)(2)(B), the strictest formulation of “necessary,” on the less rigidly written Section 20508(b)(1) is like trying to fit a square peg in a round hole. *See Fish*, 840 F.3d at 734 (holding that Section 20504(c)(2)(B)’s “only the minimum amount of information necessary” is a stricter principle than

[Section 20508(b)(1)’s] ‘such identifying information ... as is necessary’”). If anything, *Fish v. Kobach* supports Petitioner’s position here.

The NVRA’s statutory framework and structure also support this interpretation. Importantly, the Ninth Circuit panel’s reading of “necessary” in Section 20508(b)(1) would render superfluous NVRA provisions allowing for States to create their own separate state registration forms in the first place with differing verification requirements. Specifically, the panel’s interpretation would necessarily limit state forms’ eligibility information to what is provided in Section 20508(b)(2): specification of eligibility standards, attestation, and signature. 52 U.S.C. § 20508(b)(2). Anything more than that, by definition, would be not strictly “necessary” because it would go beyond the minimum required. Put another way, if the requirements of Section 20508(b)(2) establish the ceiling of information that may be required in a state voter registration form to assess eligibility, there would be no reason to separately allow forms to request “information ... as is necessary to enable the appropriate State election official to assess the eligibility of the applicant,” 52 U.S.C. § 20508(b)(1), because *none* of that other information would ever be necessary to assess eligibility. Taken to its logical extreme, this construction would yield absurd results: “[S]tates could never collect *any* information under (b)(1) because (b)(2) mandates that state forms include provisions in which applicants attest that they are eligible. An attestation under (b)(2) theoretically covers all eligibility information, rendering any information collected under (b)(1) inessential.” Pet. App. 178a (Nelson, J., dissenting).

Petitioner's interpretation is also bolstered by statements made by the drafters and key proponents of the NVRA, who clearly expressed their intent that the legislation would not preclude States from requiring proof of citizenship during the registration process. As this Court indicated in *McCulloch*, when construing ambiguous terms like "necessary" that can be "used in various senses," "the intention of the person using them" should be "taken into view." 17 U.S. (4 Wheat.) at 415. Here, the NVRA's legislative history is instructive. For instance, Senator Wendell Ford, who co-introduced the NVRA in the Senate and was the Chairman of the Senate Committee on Rules and Administration, noted that "there is nothing in the bill now that would preclude the State's requiring presentation of documentary evidence of citizenship. I think basically [a provision allowing States to require DPOC] is redundant...[b]ut there is nothing in there now that would preclude it." 139 Cong. Rec. 5099 (1993). Similarly, during debate on the NVRA in the House, Representative Al Swift, Chair of the Subcommittee on Elections of the House Administration Committee and the author of the NVRA, noted that "in legislation today any State can require proof of citizenship upon registration." 139 Cong. Rec. 9226 (1993); *see also id.* at 9227 (noting that "in that sense, this [legislation] does not change current law"). When asked to include express language in the legislation "just to make sure" that all States could require proof of citizenship upon registration, Representative Swift responded: "I suppose there is nothing wrong with us particularly passing a resolution to welcome the dawn, but the Sun is going to come up anyway. The fact is there is no prohibition [in the NVRA] for a State doing it this way." *Id.* at 9226.

This history illustrates how the bill’s key proponents intended that the statute would preserve States’ ability to require DPOC when registering applicants to vote. This accords with the meaning ascertained through proper application of the canons of statutory construction, *see supra* at 12-15. Accordingly, as a matter of text, context, structure, legislative intent, and logic, the NVRA’s use of “necessary” in Section 20508(b)(1) means something that is conducive or appropriate rather than the absolute minimum required. DPOC satisfies this definition, and Arizona’s use of it on its state voter registration form is therefore consistent with Section 20508(b)(1).

B. The NVRA’s “equivalent” mandate does not require a state form to be virtually identical to the federal form

The NVRA allows States to distribute their own voter registration forms through public assistance agencies provided such forms are “equivalent” to the federal mail voter form mandated under Section 20508(a)(2). 52 U.S.C. § 20506(a)(6)(A)(ii). The ordinary meaning of “equivalent” and its surrounding statutory context in the NVRA indicate a focus on state forms having the same effect or function as the federal form, rather than state forms being identical to the federal form. Consequently, because the Arizona state form generally and the DPOC requirement specifically have the same function and effect as the federal form and the citizen attestation requirement—ensuring that only eligible citizens register to vote—the NVRA does not prohibit its use by Arizona public assistance agencies.

To start, most definitions for “equivalent” focus on *function*, not *form*. For example, the *American Heritage Dictionary* defines “equivalent” as either

“equal, as in value, *force*, or meaning” or “having *similar* or identical effects.” *Equivalent*, American Heritage Dictionary, <https://perma.cc/XGB8-SP2A> (last visited Aug. 26, 2026) (emphasis added). Likewise, the *Cambridge Dictionary* defines the term as “equal to or *having the same effect* as something else.” *Equivalent*, Cambridge Academic Content Dictionary, <https://dictionary.cambridge.org/dictionary/english/equivalent?q=Equivalent> (last visited Aug. 26, 2026) (emphasis added). Indeed, not even the dictionaries cited by the Ninth Circuit panel below compel a contrary interpretation. *Oxford Dictionary* explains that the term means “virtually the same thing; *identical in effect*,” see Pet. App. 39a (quoting *Equivalent*, Oxford English Dictionary (2d ed. 1989)), whereas *Black’s Law Dictionary* provides that the term refers to “[e]qual in value, force, amount, *effect*, or *significance*” and “[c]orresponding in effect or function; nearly equal; virtually identical” as alternate definitions. See *Equivalent*, Black’s Law Dictionary (12th ed. 2024) (emphasis added).

Together, these dictionary definitions suggest that the term “equivalent” in Section 20506(a)(6)(A)(ii) of the NVRA more naturally indicates that any state form must have the same function, or produce the same effect or outcome, as the federal form for purposes of registration. Here, Arizona’s state form has the same function and effect as the federal form—allowing only eligible applicants to register to vote in elections and specifying the eligibility requirements—meaning they are “equivalent” to each other in the most ordinary sense of the word. Said differently, requiring proof of citizenship does not render Arizona’s state form inequivalent to the federal form because the DPOC requirement has the same function and effect

as the attestation of citizenship requirement: verifying the citizenship of the applicant.

A contrary interpretation, such as the one adopted by the panel where the federal form and state forms must be equivalent in form and thus mirror images of each other, would be anomalous. To begin with, as explained previously, reading the NVRA this way erases the reason for state-created forms in the first place. *See supra* at 15. More fundamentally, the text of the NVRA does not support such a reading. If Congress wanted to specify that state forms distributed by public assistance agencies must require information identical to the federal form, it could have simply so specified and used that exact word. After all, in another section of the NVRA, the statute specifies that the print used for different portions of the registration form must be “identical.” *See* 52 U.S.C. § 20508(b)(4). Had Congress intended that meaning in Section 20506(a)(6)(A)(ii), it knew how to make that clear and could have similarly used the term “identical” there. Furthermore, if the two forms were intended to be formally the “same,” Congress presumably could have also used that term in much the same way that it mandates voter registration agencies provide the “same” assistance to applicants with voter registration forms as it would with regards to other agency forms. *See* 52 U.S.C. § 20506(a)(6)(C). In a particular statute, “the same term usually has the same meaning and different terms usually have different meanings.” *Pulsifer*, 601 U.S. at 149. Here then, Congress’s drafting choice to use the term “equivalent” in Section 20506(a)(6)(A)(ii) should be given a separate meaning to distinguish it from “identical” in Section 20508(b)(4) and “same” in Section 20506(a)(6)(C).

That the term “equivalent” refers to ends and not the particular means can also be seen in this Court’s jurisprudence. For example, in a recent decision concerning Title IX and athletics, this Court said that “[t]o ensure equal opportunity, Title IX’s regulations also require schools to provide the women’s and men’s teams *equivalent equipment, facilities, scheduling, and the like.*” *West Virginia v. B.P.J. ex rel. Jackson*, 146 S. Ct. 2356, 2367 (2026) (emphasis added). But, of course, Title IX does not require that women’s and men’s teams must be provided with *identical* or the *same* equipment. Rather, the equipment provided must be equally suited for the function of facilitating athletic competition such that both sexes have “equal opportunity.” *Id.* Indeed, under Title IX, men and women’s programs “should be ‘equivalent, that is, *equal or equal in effect*,’ but the components need not be identical for men and women.” U.S. Comm’n on C.R., *More Hurdles to Clear: Women and Girls in Competitive Athletics* 34 (1980) (emphasis added). Likewise, the Arizona and federal forms need not demand the *same* information, so long as they are *equivalent*.

Properly read in its statutory context, “equivalent” cannot reasonably be understood to mean “virtually identical” as a matter of form as the Ninth Circuit held. *See* Pet. App. 38a-39a. The panel’s holding overlooks the fact that, as explained above, “equivalent” can refer to equal or identical effect and function, not the specific information requested. Indeed, the panel did not explain why Congress would even bother including the option of States developing their own forms for distribution by public assistance agencies if they must merely be a facsimile of the federal form. Reading the NVRA in such a way would violate the “cardinal principle of statutory construction that a statute ought, upon the whole, to be so construed that,

if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant.” *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (citation and internal quotation marks omitted). Indeed, “the canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme.” *Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2013). Here, adopting the panel’s reading of Section 20506(a)(6)(A)(ii) would render superfluous not only another part of the NVRA, but of the same section itself. And more fundamentally, because it would “raise serious constitutional doubts if a federal statute precluded a State from obtaining the information necessary to enforce its voter qualifications,” *Inter Tribal Council*, 570 U.S. at 17, the Ninth Circuit’s interpretation should be eschewed.⁶

II. The NVRA does not preempt States from implementing a program to cancel noncitizen voter registrations within 90 days of a federal election

The NVRA generally requires States to “complete, not later than 90 days prior to the date of a primary or general election for Federal office,” any program intended to “systematically remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A). Because the broader statutory scheme demonstrates that this provision does not bar the removal of noncitizens from

⁶ In any event, even if the Ninth Circuit were correct that a state voter registration form distributed by a public assistance agency pursuant to Section 20506(a)(6)(A)(ii) must be virtually identical to the federal form, that would not preclude Arizona, in other contexts, from using its state form that includes a DPOC requirement.

the voter rolls, and the contrary position yields absurd results, the panel erred in applying Section 20507(c)(2)(A)'s ban to noncitizens.

A. Although the NVRA does not define “ineligible voters” under 52 U.S.C. § 20507(c)(2)(A), the broader statutory scheme and history reveal that the 90-day provision does not bar the systematic removal of noncitizens from the voter rolls

Section 20507(c)(2)(A) generally prevents States from implementing programs within 90 days of an election that systematically remove “ineligible voters” from the lists of eligible voters. 52 U.S.C. § 20507(c)(2)(A). Application of this provision to noncitizens hinges on the meaning of “ineligible voters.” As an initial matter, the NVRA provides no definition of “voter.” Moreover, the term itself can have different meanings. For instance, the *Merriam Webster Dictionary* provides two alternative definitions for “voter,” defining the term as either “one that votes *or* [one that] has the legal right to vote.” *Voter*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/voter> (last visited Aug. 26, 2026) (emphasis added). Other dictionaries similarly provide these dueling, alternative definitions for the term. *See Voter*, Cambridge English Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/voter> (last visited Aug. 26, 2026) (defining voter as “a person who votes *or* who has a legal right to vote, especially in an election” (emphasis added)); *Voter*, American Heritage Dictionary, <https://perma.cc/MSH7-5Y62> (last visited Aug. 26, 2026) (defining voter as “one who votes” or “has the right to vote”).

While the plain meaning of the term itself is thus inconclusive when viewed in isolation, it is highly

relevant to the question presented. If the term “voter” in Section 20507(c)(2) is taken to mean someone who has “the legal right to vote,” noncitizens would be excluded from the category because they cannot legally vote. Conversely, if “voter” means “one who votes,” improperly registered noncitizens who vote could conceivably fall within the meaning of “ineligible voters” and be protected from removal by the 90-day provision.

Because the plain meaning of the word “voter” does not by itself answer the question, this Court should look to the surrounding statutory context for further elucidation. “[O]ftentimes the meaning – or ambiguity – of certain words or phrases may only become evident when placed in context.” *King v. Burwell*, 576 U.S. 473, 486 (2015) (citation and internal quotation marks omitted). When the term voter is read “in [its] context and with a view to [its] place in the overall statutory scheme,” *see id.* (quoting *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000)), it becomes clear that the 90-day provision’s protections are limited to citizen registrants who were at one point properly registered and eligible to vote.

Take for instance Section 20507(a)(3)-(4), which specifies the reasons that “registrants” can be removed from the voter rolls. 52 U.S.C. § 20507(a)(3)-(4). Each of the limited, enumerated ways that an individual can be removed from the voter rolls involves an initially eligible registration becoming voided post-registration—whether by reason of the registrant’s criminal conviction or mental incapacity, death, change in residence, or own request. *See id.* Put another way, in each circumstance the registration was proper up until the individual was convicted, became mentally incompetent, moved, died, or

personally requested removal, at which point the eligible voter became ineligible. In contrast with a broader reading of the term “registrant” that would allow all who register, whether initially eligible or ineligible, to receive these protections from removal, the specific categories listed in Section 20507(a)(3)-(4) constitute strong evidence that “registrants” was meant to only include those voters who were initially eligible and properly registered to vote, and thus that the 90-day provision only protects those voters who were properly registered in the first place. *See also infra* Section II.B.; *cf. Bell v. Marinko*, 367 F.3d 588, 591-92 (6th Cir. 2004) (“In creating a list of justifications for removal, Congress did not intend to bar the removal of names from the official list of persons who were ineligible and improperly registered to vote in the first place.”).

Other procedures outlined in Section 20507 similarly apply only to voters who were eligible when they registered, further bolstering this interpretation. The fact that Congress exclusively focused on those who were at one point properly registered demonstrates that Section 20507 more narrowly targets individuals who were eligible and then experienced a change in circumstances, rather than those who were ineligible from the beginning. For instance, 52 U.S.C. § 20507(e) establishes a process by which a registrant who has moved to a new address covered by the same polling place as their previous address can still vote at that polling place despite failing to notify a registrar of his or her change of address. 52 U.S.C. § 20507(f) provides protections for voters who move between addresses within jurisdictions by requiring that registrars follow removal procedures outlined in 52 U.S.C. § 20507(d). Both sections, like the protections from removal in Section 20507(a)(3)-(4), are crafted to apply only to

eligible voters who were properly and correctly registered until undergoing a change in circumstances.

By contrast, Section 20507 never explicitly addresses or provides protections for individuals, like noncitizens, who were not eligible at the time of their registration and were never eligible to vote. The section also conspicuously does not provide for removal from the voter rolls of those initially ineligible due to lack of citizenship or residence, even while it repeatedly addresses those who change residence to a place outside the same registrar's jurisdiction. Ultimately then, in the same way that the term "registrants" is best read to only include those applicants who were eligible at the time of registration, the term "ineligible voters" is best read only as the subset of initially eligible "registrants" who later became ineligible to vote, meaning it does not encompass noncitizens on the voter rolls.

The historical context surrounding the passage of the NVRA further supports this understanding of the 90-day provision's reach. When Congress enacted the NVRA, lawmakers focused on ensuring that eligible registrants—and eligible registrants only—had sufficient protections from arbitrary and unfair removal processes; as indicated in the NVRA's purposes section, "eligible citizens" were the focus of the bill and its safeguards. *See* 52 U.S.C. § 20501(b). This focus on protecting eligible registrants is also evident when considering the problems motivating the NVRA's passage. At the time of the NVRA's enactment, many States were engaged in intensive efforts to clean up their voter rolls, and around four-fifths of States primarily relied on "non-voting...as the indication for removal." *Voter Registration: Hearing Before the Subcomm. on Elections of the Comm. on H. Admin.*,

103d Cong. 106 (1993) (statement of Emmett H. Fremaux Jr., Executive Director, Washington, D.C. Board of Elections and Ethics). This had the effect of penalizing registrants for choosing not to vote and was believed by some to disproportionately affect lower-income and minority registrants. *See* S. Rep. No. 103-6, at 17-18 (1993). As one witness testified before the Committee on House Administration, it was “just too easy for a registered voter to be removed from the rolls due to a change of address, name change, or a decision not to vote for a number of years.” *Voter Registration: Hearings Before the Subcomm. on Elections of the Comm. on H. Admin.*, 100th Cong. 447 (1988) (statement of David N. Dinkins, President, Borough of Manhattan, N.Y.C.).

Accordingly, by limiting the reasons for removing an individual from a state’s voter rolls and protecting against discriminatory processes, the drafters of the NVRA aimed to ensure that eligible registrants would not be “penalize[d]” for the simple fact that they “[had] not voted recently.” 139 Cong. Rec. 2460 (1993) (statement of Rep. Bill Clay, Member, Comm. on H. Admin.). The NVRA was crafted to allow eligible citizens to register and be protected from subsequent arbitrary or wrongful removal by States attempting to clean up their voter rolls, not to enable people who were ineligible to both register and then remain on voter rolls. *See, e.g.*, 52 U.S.C. § 20501(b)(4) (stating that a purpose of the NVRA was “to ensure that accurate and current voter registration rolls are maintained”).

**B. Respondents’ contrary arguments are
unavailing and would yield absurd
results**

In their attempt to shoehorn noncitizens into the meaning of “ineligible voters” under 52 U.S.C. § 20507(c)(2), Respondents propound an interpretation of the NVRA that would create problems that Congress plainly did not intend—and in some cases, manifestly absurd outcomes that alone require rejecting their position in favor of the reasonable statutory construction described above. *See Bostock v. Clayton County*, 590 U.S. 644, 789 n.4 (2020) (Kavanaugh, J., dissenting) (explaining that the absurdity canon “tells courts to avoid construing a statute in a way that would lead to absurd consequences” and that “[t]he absurdity canon, properly understood, is “an implementation of (rather than ... an exception to) the ordinary meaning rule” (citation omitted)).

For instance, some Respondents acknowledge that under their interpretation of the NVRA, noncitizens qualify as both “registrants” and “ineligible voters.” *See, e.g., AZ AANHPI for Equity Br. in Opp’n to Pet.* at 27-28. But that interpretation would mean that the NVRA entirely prohibits States from removing noncitizens from the voter rolls at any point, regardless of timing. Specifically, the NVRA provides that “the name of a registrant may not be removed” from voter rolls except in the case of personal request, criminal conviction, mental incapacity, death, or change of residence. 52 U.S.C. § 20507(a)(3)-(4). Accordingly, if noncitizens could qualify as “registrant[s]” under Section 20507(a), noncitizens who unlawfully made it onto the voter rolls would be impossible to ever remove unless they happened to separately fulfill one of the

five enumerated reasons for removal. This absurd outcome would likewise result for other types of ineligible applicants, such as minors or pets, who end up on voter rolls without ever being eligible in the first place. *See, e.g.,* Riley Hoffman, *Woman posted picture of dog with ‘I voted’ sticker after registering pet to vote: DA*, ABC News (Sept. 10, 2025), <https://perma.cc/9X42-VQWW> (reporting that charges were brought against California woman for registering her dog to vote and casting mail-in ballots in two elections, one of which was successfully counted). And while Respondent AZ AANHPI for Equity attempts to argue that state officials may still conduct “individualized assessments” to remove noncitizens within the NVRA’s 90-day provision, AZ AANHPI for Equity Br. in Opp’n to Pet. at 29, that position is belied by the text of the statute: If noncitizens are “registrants,” as AZ AANHPI also argues, the NVRA would straightforwardly bar *any* attempts to remove noncitizens, regardless of the 90-day provision. Such a plainly un contemplated result that is not compelled by the statute’s text should be rejected out of hand by this Court.

In an apparent attempt to avoid this absurd outcome, other Respondents argue that even though noncitizens are not “registrants,” they are still “ineligible voters” under Section 20507(c)(2). *See* DNC Br. in Opp’n to Pet. at 14. But this argument is also unsound. For instance, the Democratic National Committee concedes that “it can become clear after registration that a voter was never a proper ‘registrant’ due to initial ineligibility,” *id.*, but then argues that straightforwardly ineligible persons can still somehow qualify as “voters” under the statute “from the date of registration,” *see id.* at 14-15. If anything, the plain-meaning argument that noncitizens on the voter rolls qualify as “registrants” under the NVRA is stronger

than the argument that they qualify as “voters,” since such applicants were technically able to “register” to vote and be placed on the voter rolls. *See Registrant*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/registrant> (last visited Aug. 26, 2026) (defining “registrant” as “one that registers or is registered”); *Voter*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/voter> (last visited Aug. 26, 2026) (defining “voter” as “one that votes or has the legal right to vote” (emphasis added)). But in any event, as noted *supra* at 22-26, when the terms “ineligible voter” and “registrants” are read in light of their context as well as the statutory purpose, the better interpretation is that the NVRA’s protections afforded to “voters” on the rolls are ones that, like the protections provided to “registrants,” are limited only to those citizens who were initially eligible to cast a ballot. Accordingly, while the NVRA does not address removing noncitizens from the voter rolls (either systematically or individually), it does not bar States from doing so.

Based on these deficiencies and even absurdities, Respondents’ arguments for why the 90-day provision prevents the systematic removal of noncitizens from the voter rolls are unavailing. Instead, the more natural and harmonious reading of the NVRA is that noncitizens are neither “registrants” nor “ineligible voters” and can be removed from state voter rolls at any time. *See supra* Section II.A.

CONCLUSION

For the reasons set forth above, the Court should reverse the judgment below.

Respectfully submitted,

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